



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Suzanne Skadowski, Project Manager

Public Notice Date: July 20, 2004
Expiration Date: August 20, 2004
Reference: 200400738
Name: Lehigh Northwest Inc.

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the 1899 Rivers and Harbors Act, and Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT - Lehigh Northwest Inc.
Post Office Box 97038
Redmond, Washington 98073
ATTN: Mr. Mike Bennett
Telephone: (206) 763-2525

AGENT - MCS Environmental, Inc.
6505 - 216th Street SW, Suite 100
Mountlake Terrace, Washington 98043
ATTN: Ms. Kerrie McArthur
Telephone: (425) 697-4340

LOCATION - In the Duwamish Waterway and in Elliott Bay, at Seattle, Washington.

WORK - Dredge 8,200 cubic yards of sediment using a barge-mounted clamshell bucket. Dispose 5,200 cubic yards of the dredged material at an open-water disposal site. The remaining 3,000 cubic yards of the dredged material will be disposed at an approved upland facility.

PURPOSE - Restore moorage area at the barge-unloading facility to a uniform depth of -20 feet MLLW.

PUGET SOUND DREDGED DISPOSAL ANALYSIS (PSDDA) -

a. Dredged Material Testing: The proposed dredged material has been tested according to the procedures specified in PSDDA, a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Puget Sound. The PSDDA evaluations may include both chemical and biological testing of sediments. For this project, the PSDDA agencies determined that 5,200 cubic yards were suitable for unconfined disposal at the PSDDA nondispersive open-water disposal site or at the Pacific Sound Resource open water site in Elliott Bay. The remaining 3,000 cubic yards were found unsuitable for open-water disposal. After mechanical removal, this material will be loaded onto trucks and transported to an upland disposal area, approved by the Washington State Department of Ecology and the King County Department of Health. The sediment testing data are available at the U.S. Army Corps of Engineers (Corps), Seattle District, Dredged Material Management Office.

b. Dredging Plan: A dredging plan, sufficient to adequately separate contaminated material from sediments suitable for open-water disposal will be prepared by the applicant and submitted to the regulatory agencies for review prior to dredging. A pre-dredging conference will be held to review quality control plans and procedures for material separation and disposal positioning.

c. Disposal Site Use Conditions: The following standard site use conditions will be specified by the Corps and (for the PSDDA disposal site) the Washington Department of Natural Resources as part of the Federal/State permitting processes: (1) during the periods of tribal fishing in the disposal site area, disposal will only occur during daylight hours; and (2) during the daylight hours, "navigation rules of the road" will apply to the dredger in the event Indian treaty fishing is occurring at the disposal site. The dredger's permit will state that disposal is to occur when there is no treaty fishing occurring at the disposal site. Other appropriate special conditions may be added as a result of comments received during the public review period for this public notice.

ADDITIONAL INFORMATION – Project occurs within the Lower Duwamish Superfund site designated by the Environmental Protection Agency.

ENDANGERED SPECIES – The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The Puget Sound chinook salmon (*Oncorhynchus tshawytscha*), bull trout (*Salvelinus confluentus*), Bald eagle (*Haliaeetus leucocephalus*), listed threatened in the state of Washington, occurs in the proposed project area. After receipt of comments from this public notice, the U.S. Army Corps of Engineers will evaluate the potential impacts to the species listed above.

ESSENTIAL FISH HABITAT – The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, groundfish, coastal pelagic species occurs in the project area. The proposed action would impact approximately 1.07 acres of EFH for these species. If the Corps determines that the proposed action may adversely affect EFH for federally-managed fisheries in Washington waters, the Corps will initiate EFH consultation with the NMFS. The Corps' final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

CULTURAL RESOURCES - The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties: Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent and has been extensively modified by modern development that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The District Engineer invites responses to this public notice from Federal, Native American Nations or tribal governments, State, and local agencies, historical and archeological societies, and other parties likely to have knowledge of or concerns with historic properties in the area.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the

national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

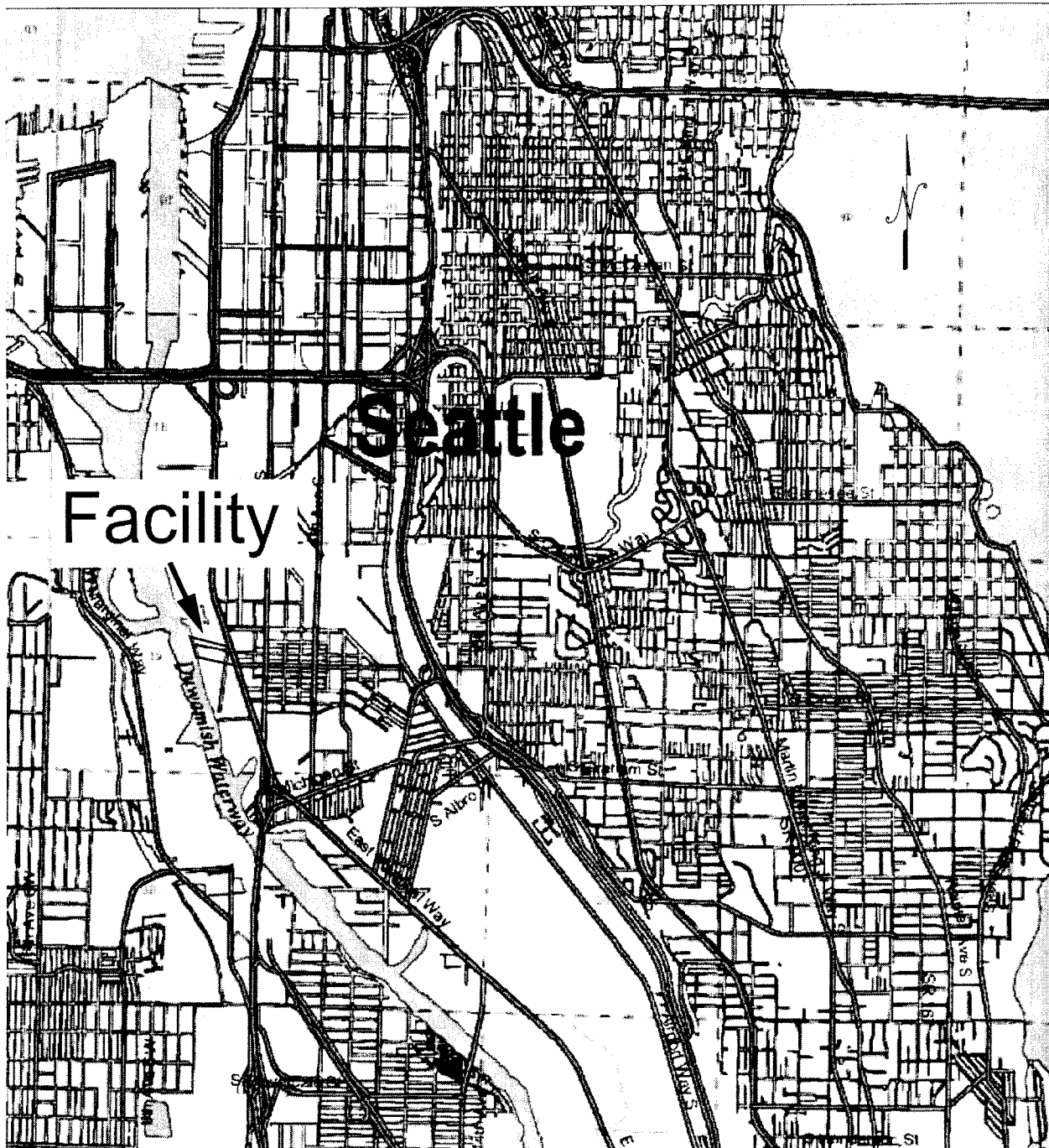
ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act.

This proposal is the subject of Shorelines Substantial Development Permit No. 2404214, being processed by the City of Seattle.

COMMENT AND REVIEW PERIOD – Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to Suzanne.A.Skadowski@nws02.usace.army.mil. Conventional mail comments should be sent ATTN: Suzanne Skadowski, U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

Lehigh Northwest Inc.
200400738

Encl
Drawings (8)



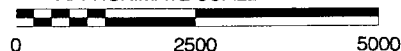
Driving Directions:

From Seattle, take SR-99 (Alaskan Way Viaduct) Southbound to 5225 E. Marginal Way S. Seattle, WA 98124

47 Deg 33 Min 19 Sec
122 Deg 20 Min 30 Sec

Map prepared from
King County Land Use Map

APPROXIMATE SCALE IN FEET



PURPOSE: Proposed one-time dredge of 8,200 cy of gravel and sediment at face of dock to -20ft MLLW (+1ft)

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

King County
Manson Construction Company/King County

NAME: Lehigh NW Duwamish Waterfront Facility

SITE LOCATION ADDRESS:
5225 E Marginal Way S.
Seattle, WA
98124

PROPOSED: Dredging Project

IN: Duwamish Waterway

NEAR/AT: River Mile 0.8

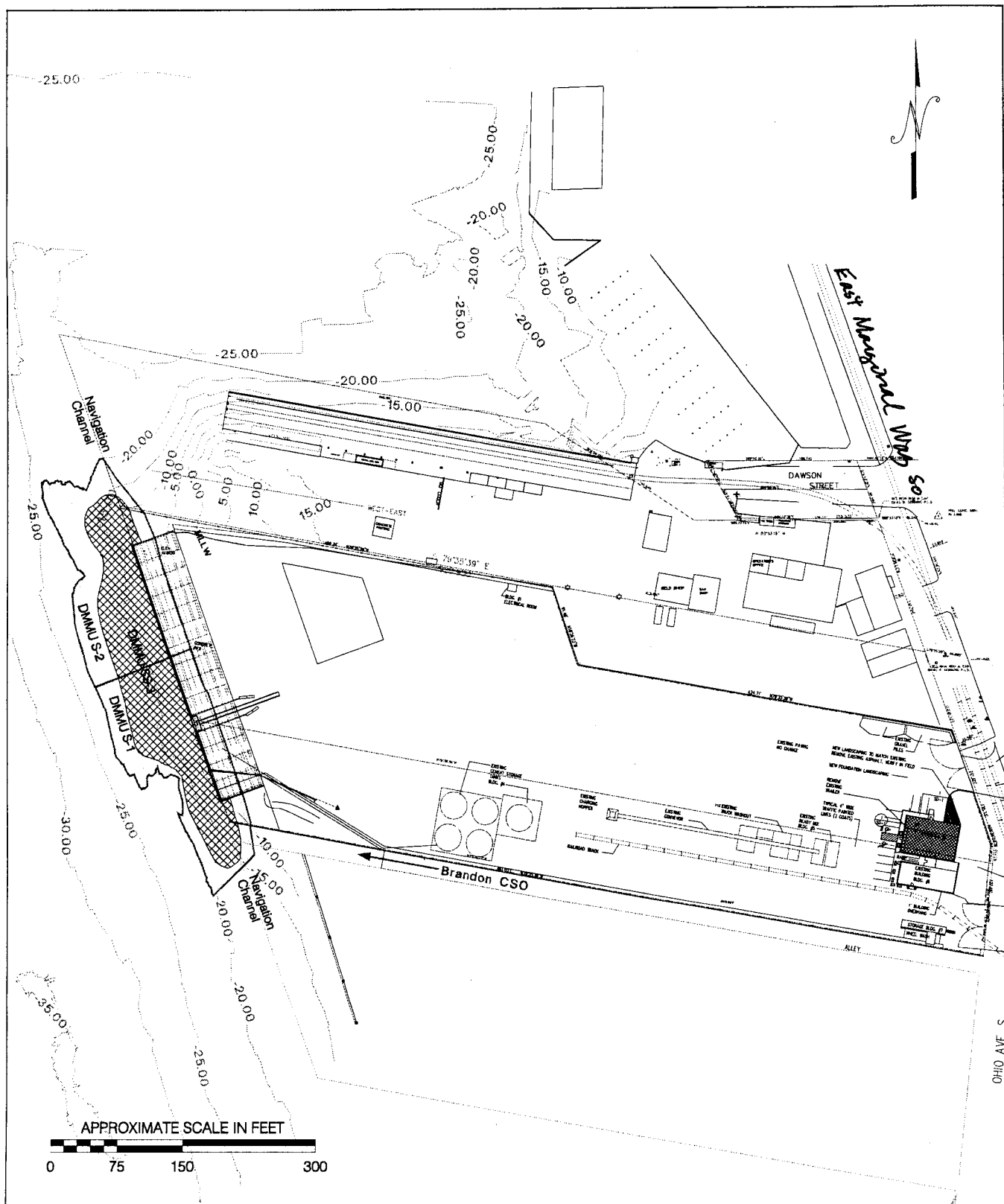
COUNTY: King

STATE: WA

SHEET 1 of 8 (Figure 1)

DATE: 6/3/04

200400738



PURPOSE: Proposed one-time dredge of 8,200 cy of gravel and sediment at face of dock to -20ft MLLW (+1ft)

DATUM: MLLW

ADJACENT PROPERTY OWNERS:
King County
Manson Construction Company/King County

NAME: Lehigh NW Duwamish Waterfront Facility

SITE LOCATION ADDRESS:
5225 E Marginal Way S.
Seattle, WA
98124

PROPOSED: Dredging Project

IN: Duwamish Waterway

NEAR/AT: River Mile 0.8

COUNTY: King STATE: WA

SHEET 2 of 8 (Figure 2)

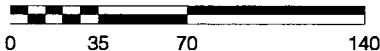
DATE: 6/3/04 *Ref. 200400738*

PROPOSED DREDGE AREA
APPROXIMATELY 8,200 CUBIC YARDS
OF ACCUMULATED GRAVEL AND
SEDIMENTS. DREDGE TO -20 ft MLLW
(+1ft OF ALLOWED OVERDREDGE)
USING CLAM SHELL DREDGE
TOTAL AREA = 46,386 SQUARE FEET

DUWAMISH WATERWAY



APPROXIMATE SCALE IN FEET



Navigation
Channel

Vertical Bulkhead:
MLLW,
Mean High (10.3 ft MLLW),
MHHW (11.2 ft MLLW),
and Ordinary High Water
Mark

CONCRETE
PIER

24'

Navigation
Channel

PURPOSE: Proposed one-time dredge of
8,200 cy of gravel and sediment at
face of dock to -20ft MLLW (+1ft)

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

King County
Manson Construction Company/King County

NAME: Lehigh NW Duwamish
Waterfront Facility

SITE LOCATION ADDRESS:
5225 E Marginal Way S.
Seattle, WA
98124

PROPOSED: Dredging Project

IN: Duwamish Waterway

NEAR/AT: River Mile 0.8

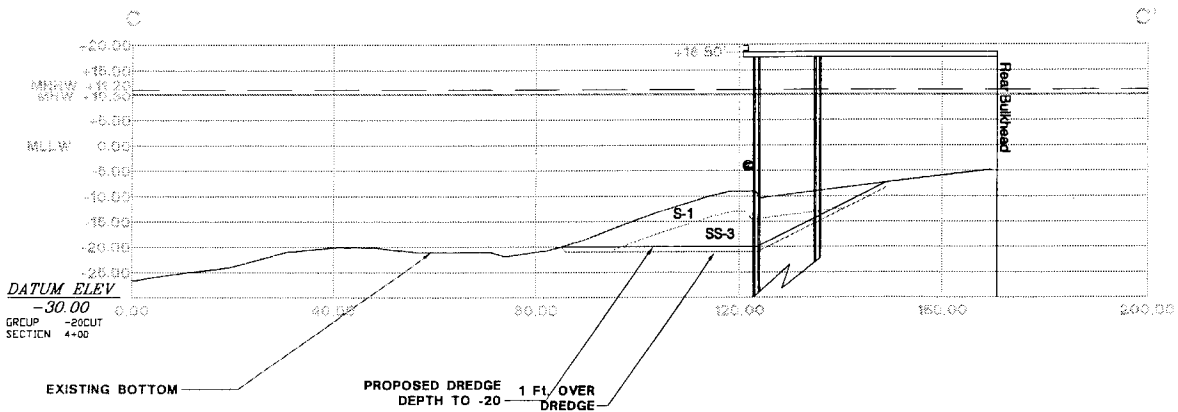
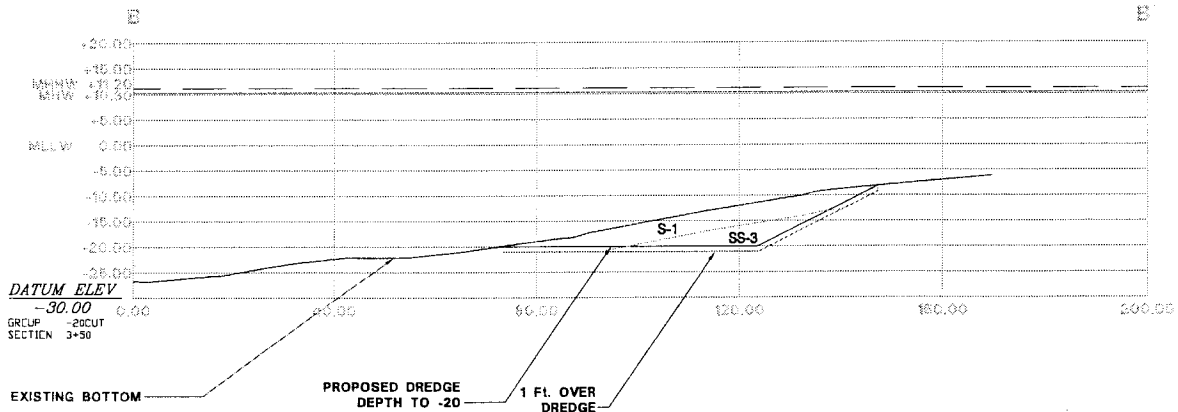
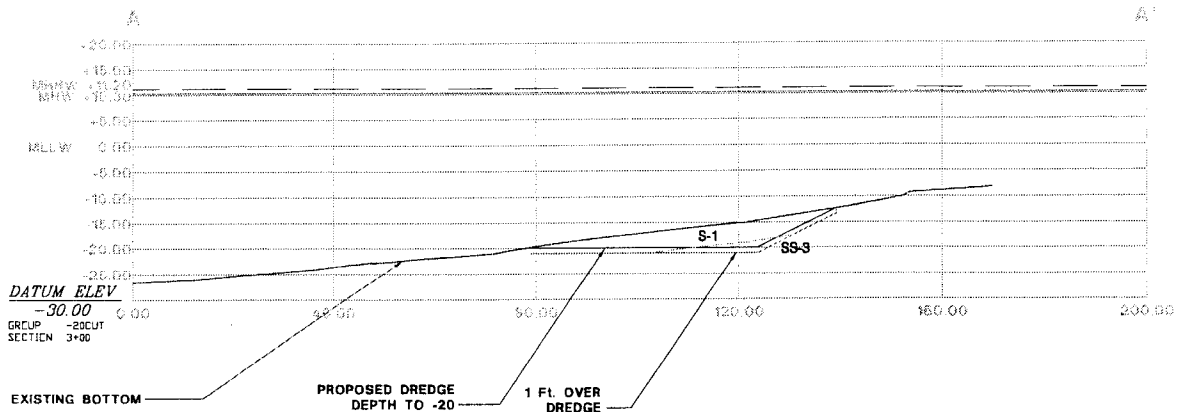
COUNTY: King

STATE: WA

SHEET 3 of 8 (Figure 3)

DATE: 6/3/04

Ref. 200400738



PURPOSE: Proposed one-time dredge of 8,200 cy of gravel and sediment at face of dock to -20ft MLLW (+1ft)

DATUM: MLLW

ADJACENT PROPERTY OWNERS: King County
Manson Construction Company/King County

NAME: Lehigh NW Duwamish Waterfront Facility

SITE LOCATION ADDRESS: 5225 E Marginal Way S.
Seattle, WA 98124

PROPOSED: Dredging Project

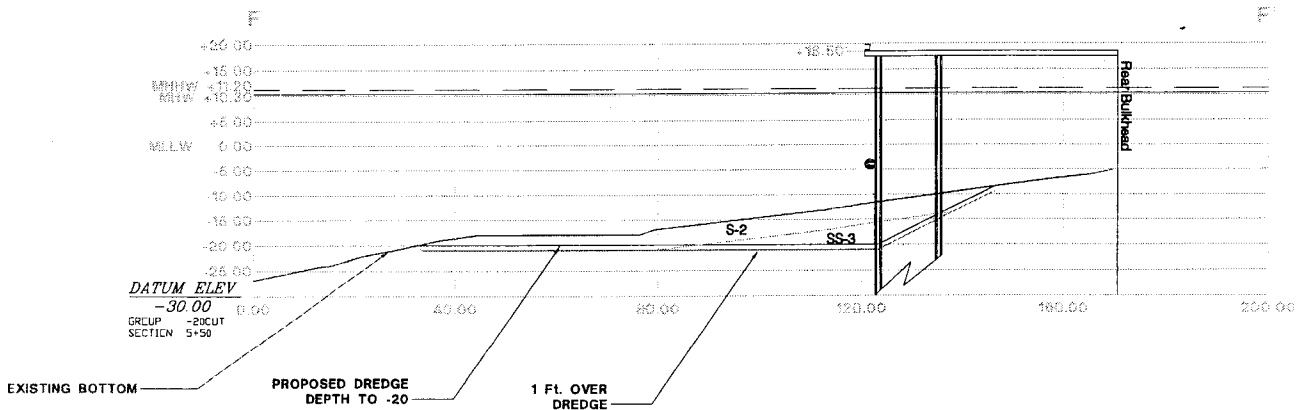
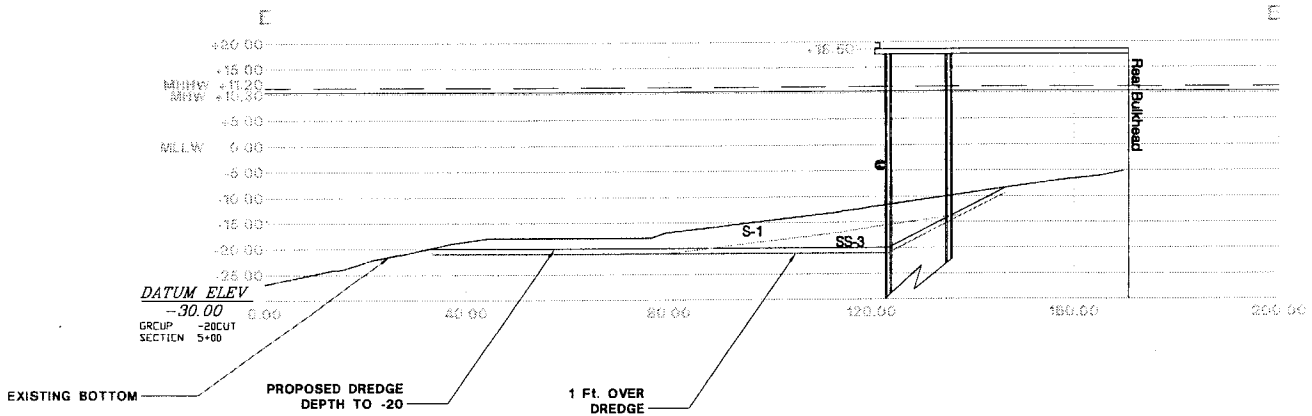
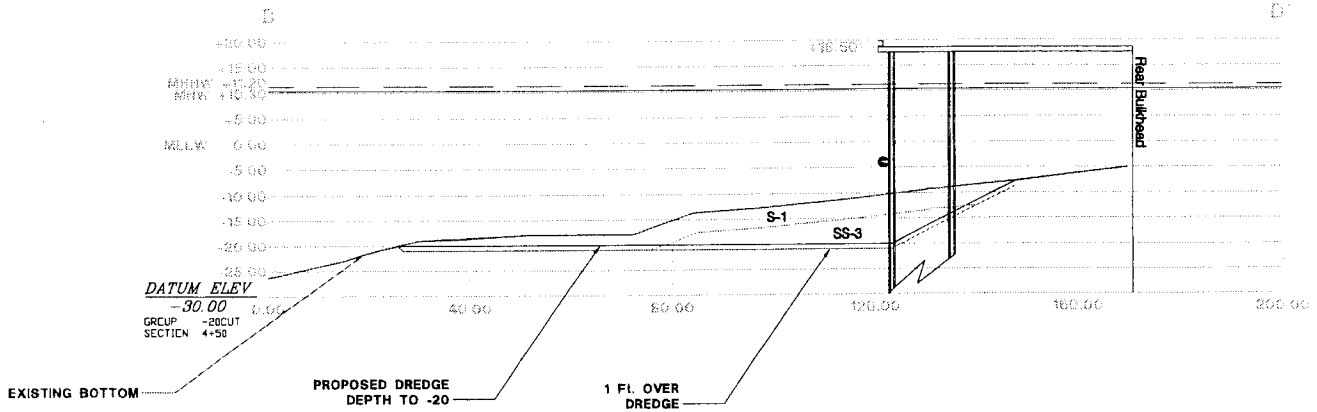
IN: Duwamish Waterway

NEAR/AT: River Mile 0.8

COUNTY: King STATE: WA

SHEET 4 of 8 (Figure 4)

DATE: 6/3/04 Ref. 200400738



PURPOSE: Proposed one-time dredge of
8,200 cy of gravel and sediment at
face of dock to -20ft MLLW (+1ft)

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

King County

Manson Construction Company/King County

NAME: Lehigh NW Duwamish
Waterfront Facility

SITE LOCATION ADDRESS:

5225 E Marginal Way S.
Seattle, WA
98124

PROPOSED: Dredging Project

IN: Duwamish Waterway

NEAR/AT: River Mile 0.8

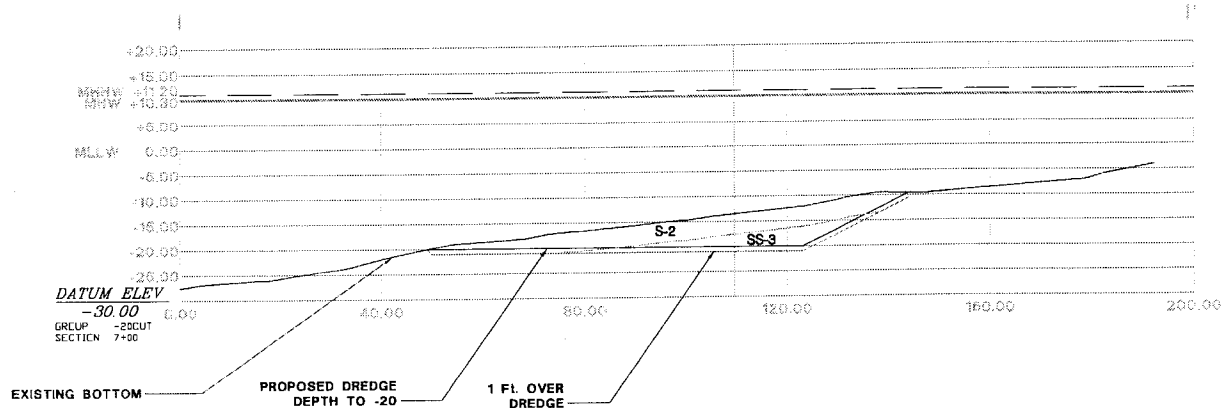
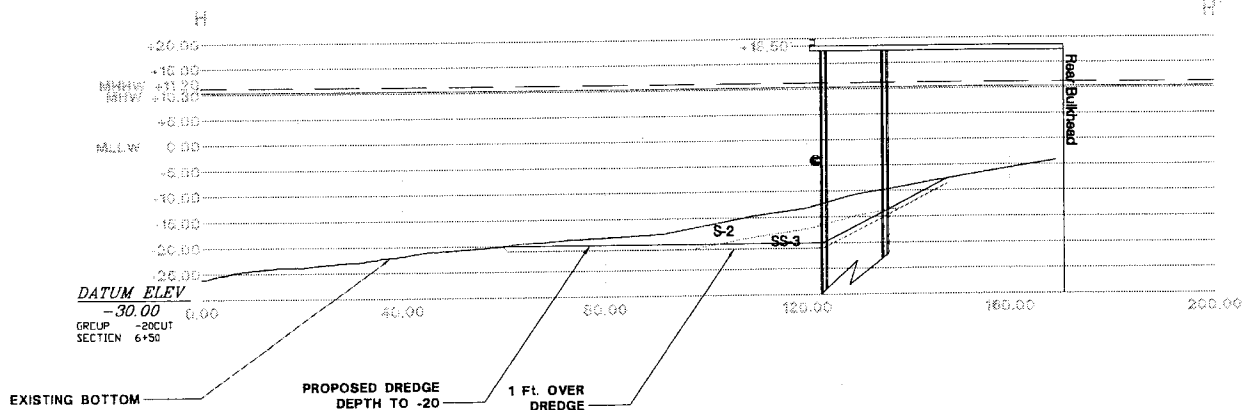
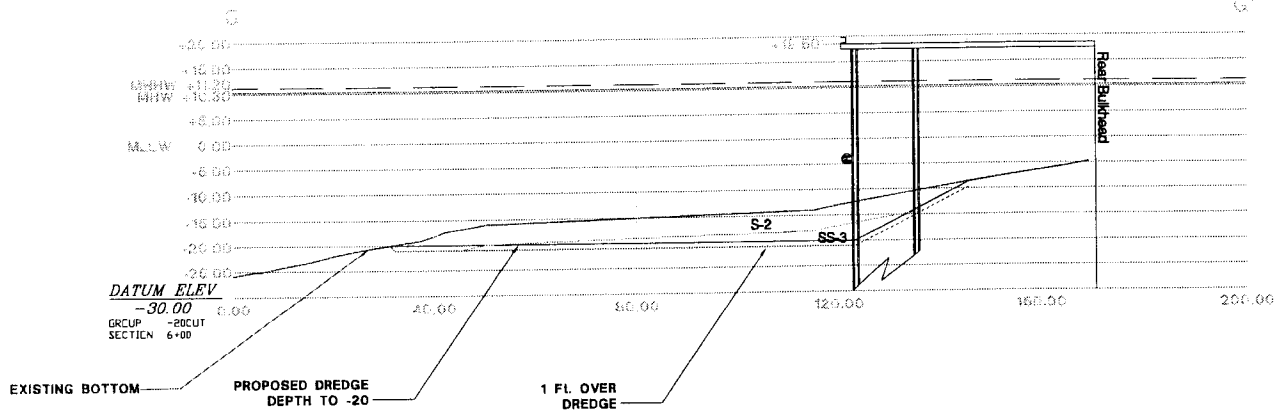
COUNTY: King

STATE: WA

SHEET 5 of 8 (Figure 5)

DATE: 6/3/04

Ref. 200400738



PURPOSE: Proposed one-time dredge of 8,200 cy of gravel and sediment at face of dock to -20ft MLLW (+1ft)

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

King County

Manson Construction Company/King County

NAME: Lehigh NW Duwamish Waterfront Facility

SITE LOCATION ADDRESS:
5225 E Marginal Way S.
Seattle, WA
98124

PROPOSED: Dredging Project

IN: Duwamish Waterway

NEAR/AT: River Mile 0.8

COUNTY: King

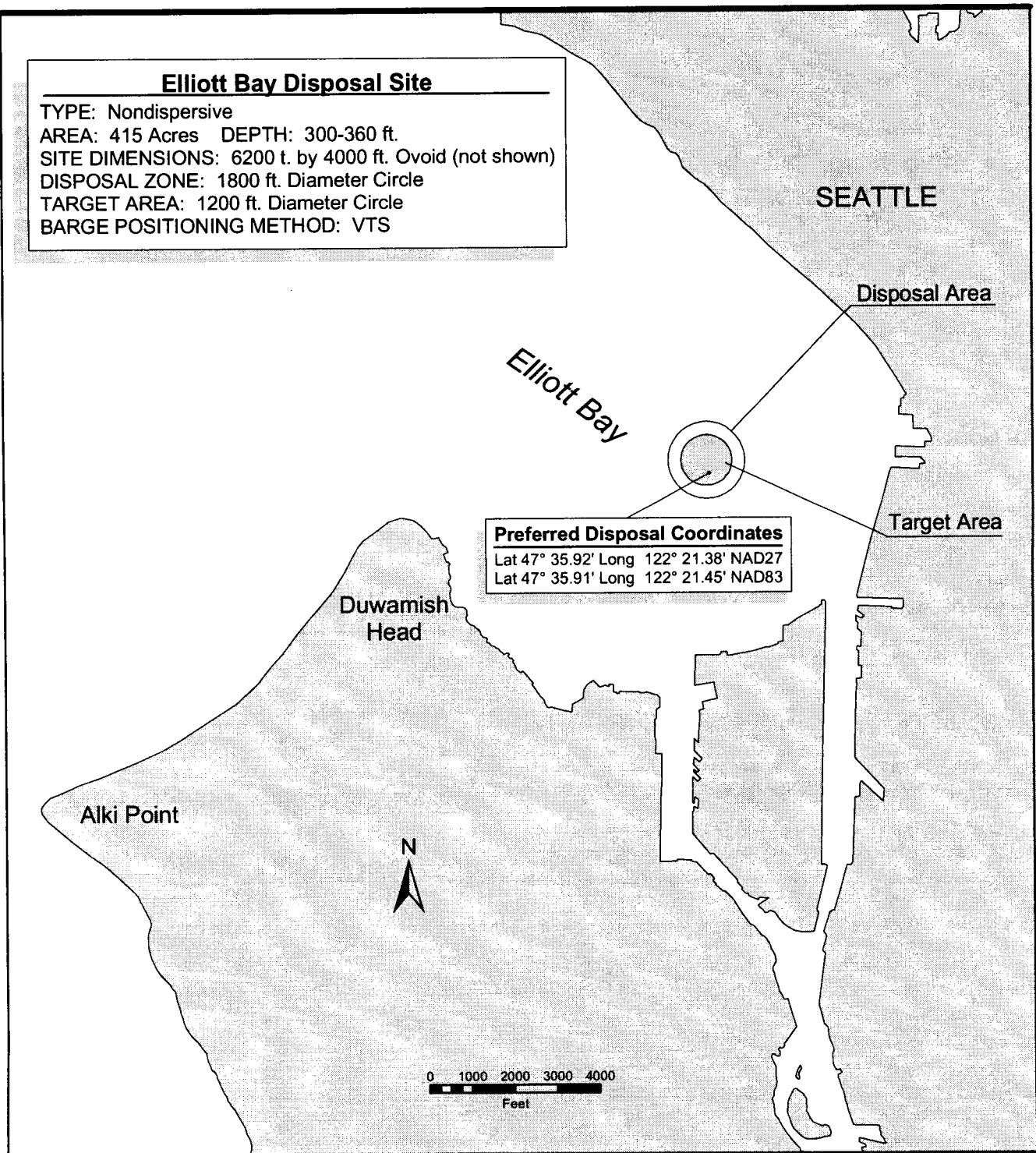
STATE: WA

SHEET 6 of 8 (Figure 6)

DATE: 6/3/04 Ref. 200400738

Elliott Bay Disposal Site

TYPE: Nondispersive
AREA: 415 Acres DEPTH: 300-360 ft.
SITE DIMENSIONS: 6200 t. by 4000 ft. Ovoid (not shown)
DISPOSAL ZONE: 1800 ft. Diameter Circle
TARGET AREA: 1200 ft. Diameter Circle
BARGE POSITIONING METHOD: VTS



PURPOSE: Proposed one-time dredge of
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face of dock to -20ft MLLW (+1ft)

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

King County
Manson Construction Company/King County

NAME: Lehigh NW Duwamish
Waterfront Facility

SITE LOCATION ADDRESS:
5225 E Marginal Way S.
Seattle, WA
98124

PROPOSED: Dredging Project

IN: Duwamish Waterway

NEAR/AT: River Mile 0.8

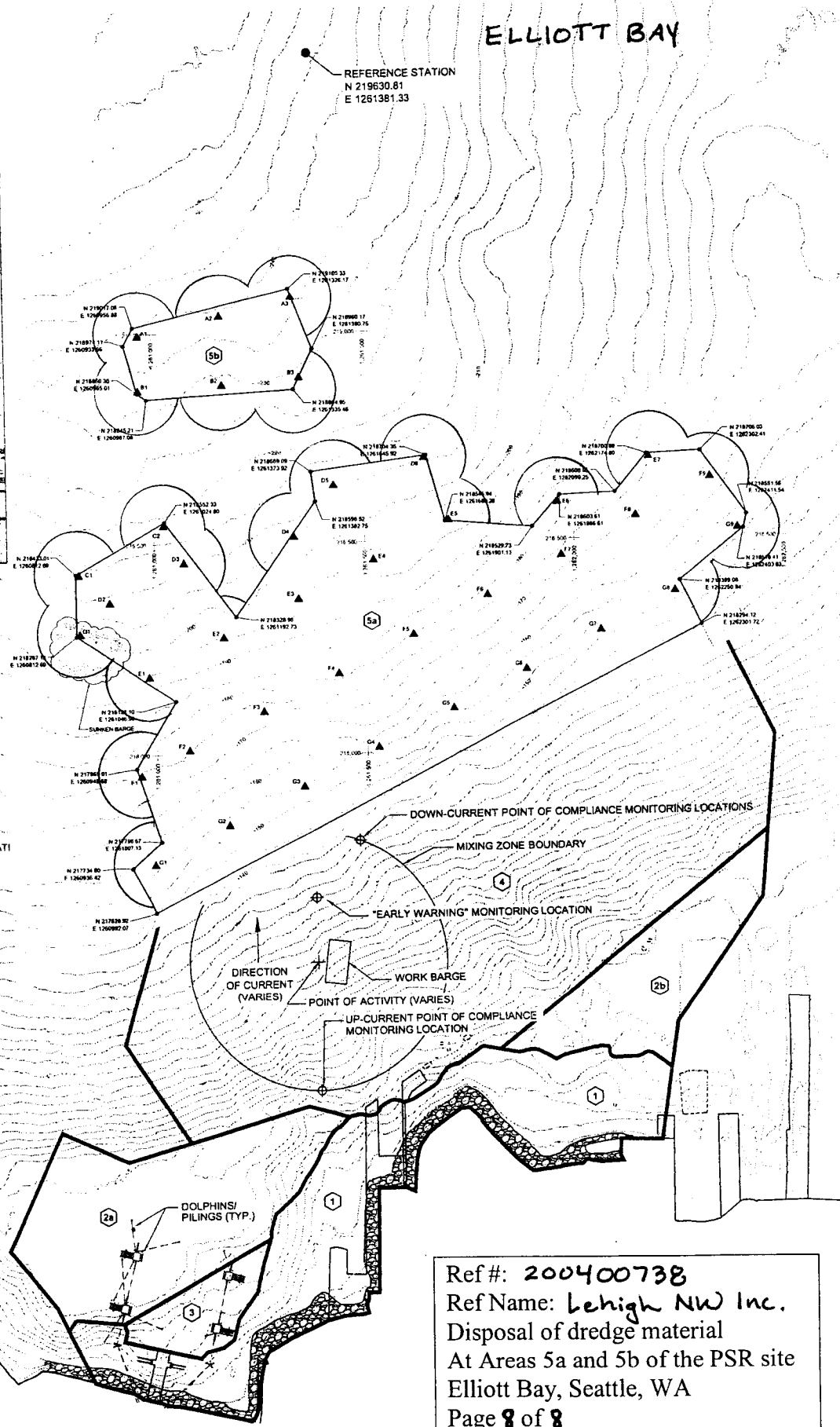
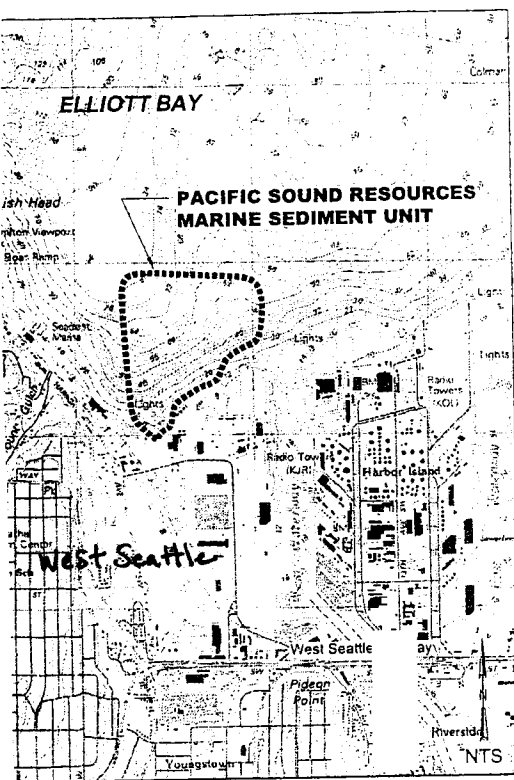
COUNTY: King

STATE: WA

SHEET 7 of 8

DATE: 6/3/04

Ref. 200400738



Ref #: 200400738
 Ref Name: Behigh NW Inc.
 Disposal of dredge material
 At Areas 5a and 5b of the PSR site
 Elliott Bay, Seattle, WA
 Page 8 of 8



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: July 20, 2004

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200400738 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator
Department of Ecology
SEA Program
Post Office Box 47600
Olympia, Washington 98504-7600